

The Hon. John C. Coughenour

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

KENNETH JOHN RHULE,

Defendant.

No. CR20-105-JCC

**MOTION FOR A FINAL  
ORDER OF FORFEITURE**

NOTE ON MOTION CALENDAR:  
March 10, 2023

The United States, by and through its undersigned counsel, moves pursuant to Federal Rule of Criminal Procedure (“Fed. R. Crim. P.”) 32.2(c)(2) for a Final Order of Forfeiture forfeiting, to the United States, Defendant Kenneth John Rhule’s interest in the following property:

1. The real property commonly known as 29428 181st Street SE, Monroe, Washington 98272, Snohomish County, Parcel No. 27081800202100 and all of its buildings, improvements, appurtenances, fixtures, attachments and easements, more particularly described as follows:

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1 LOT 12, AS SHOWN ON SURVEY RECORDED IN VOLUME 14 OF  
 2 SURVEYS, PAGE 107, UNDER SNOHOMISH COUNTY RECORDING NO.  
 3 8107085004, RECORDS OF SNOHOMISH COUNTY, WASHINGTON, BEING  
 4 LOCATED IN SECTION 18, TOWNSHIP. 27 NORTH, RANGE 8 EAST, W.M,  
 IN SNOHOMISH COUNTY, WASHINGTON; and

5 2. The real property commonly known as 29424 181st Street SE, Monroe,  
 6 Washington 98272, Snohomish County, Parcel No. 27081800200200 and  
 7 all of its buildings, improvements, appurtenances, fixtures, attachments and  
 8 easements, more particularly described as follows:

9 LOT 11, AS SHOWN ON SURVEY RECORDED IN VOLUME 14 OF  
 10 SURVEYS, PAGE 107, UNDER SNOHOMISH COUNTY RECORDING NO.  
 11 8107085004, RECORDS OF SNOHOMISH COUNTY, WASHINGTON, BEING  
 12 LOCATED IN SECTION 18, TOWNSHIP. 27 NORTH, RANGE 8 EAST, W.M,  
 IN SNOHOMISH COUNTY, WASHINGTON.

13 This motion is based on the following procedural facts, which are reflected in the  
 14 pleadings filed and orders entered in this matter, as well as the supporting declaration of  
 15 Assistant United States Attorney (“AUSA”) Krista K. Bush.

16 On February 23, 2022, the Defendant entered a plea of guilty to Conspiracy to  
 17 Manufacture or Distribute Marijuana, as a lesser included offense to the offense charged  
 18 in Count 8 of the Indictment, in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(C), and  
 19 846. Dkt. No. 127. In his Plea Agreement, the Defendant agreed to forfeit, pursuant to  
 20 21 U.S.C. § 853(a), all proceeds of and property used, or intended to be used, to commit  
 21 or to facilitate his commission of the offense, including the above-identified real  
 22 properties (“Real Properties”). *Id.* ¶ 12. The Defendant specifically admitted that the Real  
 23 Properties facilitated the drug conspiracy. *Id.* ¶¶ 8(d)-(e), 12. On May 31, 2022, the Court  
 24 entered a Preliminary Order of Forfeiture finding the Real Properties forfeitable pursuant  
 25 to 21 U.S.C. § 853(a) and forfeiting the Defendant’s interest in them. Dkt. No. 146.

1        Thereafter, as required by 21 U.S.C. § 853(n)(1) and Fed. R. Crim. P.  
2 32.2(b)(6)(C), the United States published notice of the Preliminary Order of Forfeiture  
3 and its intent to dispose of the Real Properties in accord with governing law.  
4 Dkt. No. 153. That notice informed any third parties claiming an interest in the Real  
5 Properties that they were required to file a petition with the Court within 60 days of the  
6 notice's first publication on June 1, 2022. *Id.* As required by Fed. R. Crim. P.  
7 32.2(b)(6)(A), the United States sent notice and a copy of the Preliminary Order to  
8 potential claimants. *See* Declaration of AUSA Krista K. Bush, ¶¶ 2-4, Exhibits A-E. As  
9 provided by 21 U.S.C. § 853(n)(2), the notice informed the recipients that if they wanted  
10 to assert an interest in the Real Properties, they were required to file a petition within 30  
11 days. *See id.* At least one notice to each potential claimant was successfully delivered.  
12 *See id.* The last of the notices was delivered on January 30, 2023. *See id.* No third-party  
13 claims were filed and the relevant period for doing so has now expired. *See* 21 U.S.C.  
14 § 853(n)(2), Fed. R. Crim. P. 32.2(b)(6), and Fed. R. Civ. P., Supp. R. G(5)(a)(ii).

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1 As the Defendant's rights in the Real Properties have been forfeited to the  
2 United States and ancillary proceedings have now concluded, the United States  
3 respectfully requests the Court enter a Final Order forfeiting them to the United States. A  
4 proposed order is submitted with this motion.

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6 DATED this 2nd day of March, 2023.

7  
8 Respectfully submitted,

9 NICHOLAS W. BROWN  
10 United States Attorney

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**CERTIFICATE OF SERVICE**

I hereby certify that on March 2, 2023, I electronically filed the foregoing Motion for Final Order of Forfeiture with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the parties of record.

s/ Donna R. Taylor  
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